IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3924 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.

Court's or Judge's orders

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Mrs.P.P.Kakade for the Applicant
Mr.U.V.Nikam,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 7,2005.

P.C.:

1. The offence alleged against the Applicant is under Section 302 of the Indian Penal Code and Section 4 (25) of the Arms Act along with Section 37(1) read with Section 135 of Bombay Police Act, 1951. The Application for bail is filed claiming parity. The relief is claimed also on merits. The material on record indicates that the Applicant assaulted the deceased by a sword. There is a recovery of sword at the instance of the Applicant. The cause of death as shown in the P.M.notes is death "Death was due to traumatic haemorrhage shock and as a result of stab injuries". P.M.note shows that there is vertical stab wound elliptical in shape on right side of the

back which is opening in the abdominal cavity. The said injury is caused by use of a sword.

2. The Applicant cannot claim bail on the ground of parity as the role ascribed to the Applicant is different from the role of the accused who ordered to be enlarged on bail. Considering the gravity of offence, this is not a case where the Applicant can be enlarged on bail. Hence, the Application is rejected.

3. Considering the relative young age of the Applicant if the case is not committed to the Court of Sessions, the learned Magistrate will do so within a period of six weeks from today. If the Fast Track Court is available which is empowered to try the case, the trial should be entrusted to the Fast Track Court for ensuring the expeditious disposal.

JUDGE